The

REPORTER

For Conscience' Sake

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Judges Give Probation To At Least 24 COs Since 1948

Twenty-five known probationary sentences have been given to conscientious objectors for violations of the Draft Act since it went into effect in 1948. Three probationary sentences were to men who refused to register, three to men who had previously served prison sentences for refusing to register, one to a father for counseling his son to evade the draft, and the remaining 17 to men who refused to be inducted into the armed services.

Religious affiliations of the men sentenced vary widely. Six are Jehovah's Witnesses (JWs), three are Friends, two each belong to the Mennonite, Molokan or Brethren Churches, one each to the Methodist, Presbyterian, Brethren in Christ, Episcopal, and Holy Ghost Mission Churches, while four claim no church membership.

It is interesting to note that 14 probationary sentences were given by judges in the federal courts of California while the other 10 were throughout the rest of the country.

The registrants receiving the probationary sentences plus the length of their sentences in years are as follows:

1948	
James S. Lovett	2
1949	
Claire E. Street	2
1951	
Max Blalock Pardue	3
Donald Lewis Wright	3

(*Continued on page* 2)

Ohio State University Now Has Uniform ROTC Exemption Plan

Ohio State University (OSU) has just adopted a plan for uniform treatment of conscientious objectors requesting exemption from Reserve Officer Training Corps (ROTC) training. The plan is "based upon the willingness of Ohio State Selective Service Headquarters to secure, where necessary, informal determinations of Selective Service classification in the case of male students asserting conscientious objection to any service under military discipline."

The basic part of the plan provides for the exemption from ROTC training of registrants who have the I-O draft classification. If no classification has been given to the registrant, then the "informal determination" is made. An arrangement has been worked out between the Ohio State Director of Selective Service and Ohio State University whereby an advance informal determination of a registrant's conscientious objector claim is made by his local draft board.

This exemption policy is new and apparently not yet been tested at all points. What might happen to a conscientious objector who had to appeal a I-A or I-A-O given him by his local board is uncertain. The action in the case of a student not yet 18 years old, or who has not filled out the SSS Form 150 (the basic form used in determination of a CO's claim) also seems uncertain. Since ROTC is usually required during the first two years in college, these instances might easily occur. Nevertheless, it is important that individuals who expect to attend OSU and who desire the exemption under this policy to make plans as early as possible before enrollment.

THOMAS AND OTHERS ACTIVE IN SECURING ROTC EXEMPTION AT OSU

According to word reaching the NSBRO, Cecil Thomas and other campus religious leaders were active in urging OSU officials to adopt the uniform plan of exempting COs from ROTC training. (See article above this.) Mr. Thomas, a Quaker, was formerly Executive Secretary of the campus YMCA. Rev. Moyne Landis assisted in publicizing this plan.

ARMY IS NO PLACE FOR A CO

The Army Is No Place for a Conscientious Objector is the title of an article in the July 12 Rochester, N. Y., *Democrat and Chronicle*. It is written by Parkhurst Whitney in response to a letter he received from a soldier. The soldier stated he was a conscientious objector, but decided to go into the Army as a "token of gratitude" for his prosperous state as a farmer. After entering service he observed the many contradictions, to his way of thinking, and wrote the letter to Mr. Whitney.

Mr. Whitney recommends that such men should be let out of the armed forces immediately as they "could sap the morale and the efficiency of men who have accepted the necessity."

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PROBATIONARY SENTENCES

(*Continued from page* 1)

1952

William J. Kirk	5
Peter Hubert Klopfer	3
Pete Kundikoff	3
Donald Dewey Smith	3

1953

Henry Laemmlen	2
Gilbert McFadden	5
Randall Ague	3
Paul Conradi	3
Henry Hein, Jr.	5
Rosanlee Holt	3
Warren B. Gilder	3
Daniel Skiles	1½
Harry Donske	3
Edward French	2
Eugene Breault	3
Don Lee Pugh	½

1954

Gustav August Cords	3
Curtis Skeeter, Jr.	3
Eldon Bargen	3
James M. Bolton	2

I-W WRITES FOR E. & R. PAPER

Living on a Rice Diet is the title of an article written by Paul J. Binder, Evangelical and Reformed (E. & R.) I-W working in the NSBRO office, which appeared in the August 8 issue of *Youth*. This is the magazine for young people of the Evangelical and Reformed Church. The article was about a research project at the National Institutes of Health and an E. & R. conscientious objector serving there as a "guinea pig" while in a church voluntary service program.

FOR AND ABOUT I-Ws

SOFTBALL POPULAR

Softball continues to be the most popular sport of off-duty I-Ws. Many hospitals and units have teams which are entered in church or various classes of city teams. These teams can usually "hold their own" in the standings and are generally a credit to the participants. Often two or three games are scheduled each week.

RECREATION ROOMS

Many units of I-W men have prepared recreation and meeting rooms near their places of employment. The latest ones to be repaired are for the men at Alexian Brothers Hospital, Chicago, and at Elgin State Hospital, Elgin, Illinois.

TOTAL ISSUE OF PUBLICATION ON I-Ws

The July 13, 1954, issue of *The Mennonite* was entirely about the alternative service program and the I-Ws serving in it. Reports of assignees in Voluntary Service, in overseas relief service, and in hospitals plus articles about the way the men serve, worship, earn, or use their time made this publication most informative. *The Mennonite* is a weekly journal of the General Conference Mennonite Church. Extra copies can be secured by writing MCC, Akron, Pa.

DR. NOYES REPORTS ON 165 COs AT NORRISTOWN

In a release in the *Times Herald*, Norristown, Penna., Dr. Arthur P. Noyes, superintendent of the Norristown State Hospital, reported that the assignment of conscientious objectors to the hospital has worked out quite well. Dr. Noyes reported that "when there are not enough suitable applicants for a particular job, a CO is given the job." Most of the 165 men "work on the hospital farm or serve as attendants. . . . They have been given jobs best suited to their natural bent or training, provided there are vacancies."

NEXT STEP FOR I-Ws

The Next Step is the title of a folder published for I-Ws who might be interested in attending college after their alternative service. Write the Mennonite Central Committee, Akron, Penna., for copies.

"NEW PHOBIA" ATTACKED IN I-W PAPER

Laxness, a New Phobia, the title of an article in a recent issue of *The Weathervane*, Chicago I-W newspaper, reflects observations about the work of some men in alternative service. "At the beginning of our service, our work in quality and quantity exceeds that of other employees. Then as time wears on we gradually slacken off to where our work is that of the other workers. . . . I believe we should all check ourselves, and see if we are putting forth our best effort and the most into that effort."

82.5 PER CENT OF MENNONITE I-Ws IN HOSPITAL WORK

A graph indicating the number of Mennonite and Brethren in Christ I-Ws in each type of work agency was printed in the July 28, 1954, issue of the *I-W Mirror*, published by the Mennonite Central Committee. The figures are as follows: mental hospitals, 43.3%; general hospitals, 39.2%; and foreign service, homes for children, schools, old people's homes, and dairy herd testing, each between 3.9% and 1.3%.

TWO-DAY I-W CONFERENCE

A two-day conference of I-Ws was held at Goshen, Indiana, on July 24-25.

LITERATURE PROVIDED I-Ws

A list of 47 books and pamphlets on the position of the Christian in warfare and entitled "Peace Literature" is available from the Mennonite Central Committee, Akron, Penna.

I-W CONFERENCE ON MENTAL HEALTH

A I-W conference on mental health was recently held in Indianapolis, Ind. The two-day conference, concluding on August 1, featured Dr. Norman Loux, a Mennonite psychiatrist who is serving as a I-W at Butler Hospital, Providence, R. I., where he is Assistant Superintendent and Clinical Director. The subjects covered were Recreation and Mental Health, The Relationship of Christianity and Psychiatry, and The Place of Psychology in Christian Living.

SS EMPHASIZES NEED FOR "EXHAUSTING ADMINISTRATIVE REMEDIES" IN PALMER CASE

In a recent monthly Selective Service bulletin, the "Exhaustion Rule" was the title of an article commenting on the T. Vail Palmer case. The article, in effect, seems to emphasize the strict policy of Selective Service and the Justice Department against leniency toward non-registrants.

The article quoted Judge Grim as stating that "the Supreme Court has not up to the present time modified its strict 'exhaustion' rule." It defined "exhaustion" as the "exhaustion of administrative remedies before attempting to defend a criminal charge on the basis of alleged misclassification." The judge noted that "he is correct in his contention that all the evidence indicates that Palmer is a sincere conscientious objector." But the judge noted further that the defendant cannot challenge the legality of a I-A classification because he didn't exhaust his administrative remedies for securing a different classification, he didn't report for a "physical," and he didn't obey the order to report for induction up to the point of stepping forward.

Palmer is appealing his probationary sentence of 3 years and his fine of $500.

A common failure to "exhaust administrative remedies" is the failure of a CO given a I-A to go to the induction center. To go to the center, take all the tests, and simply refusing to step forward is regarded as "exhausting administrative remedies."

CATHOLIC, FORMERLY EXCUSED FROM ROTC, NOW GIVEN I-O

Donald Reed, a Catholic conscientious objector from Los Angeles, just received a I-O classification from his local draft board after having a personal appearance before it. His first classification—he is presently only 18 years old—was I-A. The request for a personal appearance was in accordance with the draft regulations, occurring before an appeal.

Letters, sent to Reed's local board by various organizations and individuals, stressed the fact that Catholic COs had been recognized during World War II and that Catholics could object to military service on the grounds of "religious training and belief." There are presently two known Catholics working in I-W service.

(See Nov. 1953, REPORTER.)

COs Cannot Be Commissioned In PHS

The Public Health Service (PHS) of the Department of Health, Education and Welfare may employ I-Ws in a civilian capacity but may not grant them a commission in the PHS. This has been made clear in a bulletin which came to the attention of NSBRO a number of times over the past several years. It states that:

> "Conscientious objectors in Class I-O cannot be accepted for a commission in the PHS since the President has general authority to utilize the PHS in the public interest in time of war or national emergency, and the Commissioned Corps may become a military service in time of war by Executive Order. However, registrants in this class may be considered for civil service or other civilian employment in the PHS because employment in public health agencies falls within the kinds of civilian work appropriate to be performed by conscientious objectors in lieu of induction."

The Commissioned Corps of the PHS has in times past been regarded as a military agency, but on July 4, 1952, was returned to a standby military status.

TELLER RECOGNIZES COs

Dr. Edward Teller, the outstanding hydrogen bomb scientist who testified against Dr. J. Robert Oppenheimer, stated in a recent interview that any person has the right to be a conscientious objector. The interview, covered in the July 4 issue of the *New York Times*, quoted Dr. Teller as follows:

"I believe in the right of any person to be a conscientious objector. But I do not believe that the scientist has the right to use his scientific prestige to influence politics. Scientists as a group should stay out of politics except in areas touching on science."

FRYZEL ACQUITTED

David Fryzel, a Jehovah's Witness from Amsterdam, New York, was acquitted July 27, 1954, of refusing to submit for induction. Judge Stephen W. Brennan based the acquittal principally on the Eighth Circuit Court of Appeals' decision in the *Taft* v. *U. S.* case, where a willingness to use force in self-defense or engage in theocratic warfare is not inconsistent with a claim of conscientious objection. (See Feb. 1954 REPORTER.)

Adventists Train As Army Medics

Adventists Training as Army Medics is the title of an article in the July 7 Benton Harbor, Michigan, *News-Palladium*. It describes the summer encampment of Adventists who take the I-A-O position and then enter special preparation for non-combatant military service. The article states that the "purpose of the encampment is to guarantee that the men will be assigned to non-combatant medical corps work when drafted, since their religious convictions tell them that 'war is contrary to the purpose of God'."

NOTES FROM ABROAD

Recognition of conscientious objectors in Germany is being aimed at three objectives, as outlined recently by Dr. F. Siegmund-Schultze. First, they want objection to all military service approved, not only to just war service. Second, such objection should be based on all grounds, except possibly, political. Last, assignment to any alternative service work should not be made without the CO's approval.

According to an article in the July 26 New York City *Herald Tribune*, the West German Defense Commission is drafting a law containing provisions for conscientious objectors. Although no details of the law have been released, Theodor Blank who heads the Commission stated that only members of religious groups which refuse military service will be recognized as conscientious objectors.

Because of this definition of conscientious objection, a group of 300 men, headed by a former German paratrooper, has organized the "Group of Military Service Rejectors." This group states that the West German constitution cannot force men into military service against their conscience. Therefore, COs should be recognized whether they belong to a certain religious group or not.

DIRECTIVES

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was always entitled *without question* to be placed in a class exempt from liability, his liability will not be extended . . . if he has been placed in a deferred class solely because that class was lower than the exempt class. . . ."

This memonrandum is of primary importance to some veterans who were placed in either Class I-D or IV-A. Implications of this change are not yet fully known, especially with reference to COs and service in lieu of induction.

COs Receive Longer Sentences Than Other Draft Violators

A total of 277 men were sent to prison for Selective Service Act violations (not all COs) during the fiscal year ending June 30, 1953. Of this number, 25 were sent to non-Federal prisons for short periods. The figures show that COs received longer sentences, generally, than other draft violators.

Conscientious objectors for religious reasons constituted 48 of the 252 men sent to Federal prisons. (The Prison Bureau makes a distinction in their listing between religious and non-religious objectors.) There were 114 Jehovah's Witnesses (JWs), 9 objectors for primarily non-religious reasons, and 81 violators for reasons other than a belief in the wrongness of war.

"Federal Prisons — 1953," issued in May, 1954, gives the above figures. Conscientious objectors are not mentioned in the text because so few are in prison, in comparison to the approximately 21,000 persons who are in Federal prisons for all reasons. However, the tables of statistics do give some interesting information.

Compared to the 277 men sentenced as SS violators in 1953, there were 273 sentenced in 1952, 115 in 1951, 39 in 1950, and 74 in 1949. The total number of men sentenced under the Selective Service Act is 778.

The length of sentences for the 277 men are as follows: 1 sentence under 1 month, 6 from 1 month to under 3 months, 6 from 3 months to under 6 months, and 28 from 6 months to a year. This gives a total of 41 men sentenced to prison for one year or less. There were 23 sentences of 1 year and 1 day in length, 36 over 1 year and 1 day and under 2 years, 67 from 2 to 2½ years, 77 over 2½ years and under 5 years, and 33 sentences from 5 years to under 10 years. No sentences were for 10 years or more. The average length of sentence was 28.3 months.

It is interesting to note that the sentences of men released from prison during the fiscal year 1953 were on the average longer for Jehovah's Witnesses and for "non-religious" objectors than for other draft violators. Specifically, none of the "non-religious" objectors had sentences of less than a year and a day in prison. Three percent of the JWs, 13% of the religious objectors, and 24% of the remaining Draft Act violators received sentences of less than a year and a day in prison. This points out the fact once again that men with convictions against participation in war are generally more harshly sentenced than those merely trying to evade military service.

Only 14.9% of the prisoners—with sentences over 1 year—in Federal prisons because of Draft Act violations had ever been previously committed to a Federal prison. This is the lowest percentage of "repeaters" in any class of offense. However, this figure would only be several percent if conscientious objectors only were counted.

Directives Clarify Ministerial Deferment and "Liability To 35"

Two Local Board Memoranda have recently been issued by National Headquarters of Selective Service. The first one was for the purpose of furnishing instructions to local boards concerning the classification of divinity students. The other one was issued in an attempt to clarify the matter of exactly which deferred registrants are "liable to 35" years of age. Important parts of the memorandum on ministerial deferment are as follows:

"No list of recognized (divinity) schools has been issued in connection with the administration of the Universal Military Training and Service Act, as amended, nor is the issuance of such a list contemplated.

"It is the responsibility of the local board to determine whether or not a theological or divinity school is recognized as such . . . and also whether or not the church or religious organization under which the registrant is preparing for the ministry is similarly recognized.

". . . the local board must require him (the theological student) to furnish evidence which clearly establishes . . . (that) he is a student preparing for the ministry under the direction of a recognized church or religious organization; and he is satisfactorily pursuing a full-time course of instruction in a recognized theological school.

". . . the local board must require him (the pretheological student) to furnish evidence which clearly establishes . . . (that) he is a student preparing for the ministry under the direction of a recognized church or religious organization; and he is satisfactorily pursuing a full-time course of instruction leading to his entrance into a recognized theological or divinity school in which he has been preenrolled.

"The local board may require from the church, religious organization, or school detailed information in order to determine whether or not the theological or divinity school is in fact a recognized school and whether or not the church or religious organization which is sponsoring the registrant is recognized.

"Basically, a school to be recognized as a theological or divinity school should enjoy a good reputation and its graduates should be acceptable, by the church sponsoring the registrant, for ministerial duties, either as an ordained or regular minister.

"Local boards should make certain . . . that his (the divinity student) file contains a statement of sponsorship from a church or religious organization and also require the registrant to furnish the local board with periodic reports of his academic progress."

A complete copy of this entire Local Board Memorandum, No. 56, is available from the National Service Board for 5¢. Special prices for bulk orders.

The other recently issued Local Board Memorandum, which amends an earlier one, pertains to the extension of draft liability to age 35 of certain registrants. The amendment states: "A registrant must have liability for induction in order for that liability to be extended by his deferment. . . . When a registrant . . .

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